

**Notice of Allowability**

Application No.

09/970,655

Examiner

Chuck O. Kendall

Applicant(s)

BERSTIS, VIKTORS

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/31/07.
2. ☒ The allowed claim(s) is/are 1 - 12 and 16 - 24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/23/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

TUAN DAM  
SUPERVISORY PATENT EXAMINER

### **Examiners Amendment**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert V. Wilder registration no. 26,352 on October 23, 2007. Claims are being amended to clarify claim limitations.

The proposed amendment dated 10/25/07 has been accepted and adopted by the Examiner-see attachment herein.

The application has been amended as follows:

#### **IN THE CLAIMS**

2. Please amend claims 1, 16 and 24, and delete claims 13 – 15 as attached hereto see pages 5 – 9.

See attached document as proposed by Applicant to amend claims

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### Reason for Allowance

3. Examiner has reviewed and considered Appellants Brief dated 07/31/07 as disclosed on pages 13 – 16 as well as disclosed in the current Examiner amendments and based on Applicant's arguments and current amendments, Examiner is hereby placing claims 1 – 12 and 16 – 24 in condition for allowance.

The following is an Examiner's statement of reasons for allowance.

The prior art of record does not teach or fairly suggest at least:

"... wherein said executable software modules are organized in a series of sets of executable software modules, said series of sets corresponding to a binary series, and each of said sets comprises first and second executable software modules, said binary series being determined in a accordance with a sequence of said first and second executable software modules within said sets of said executable software modules", as best illustrated by Figure 6, and in such a manner as recited in claims 1, 16 and 24.

Therefore, claims 1 – 12 and 16 – 24 are in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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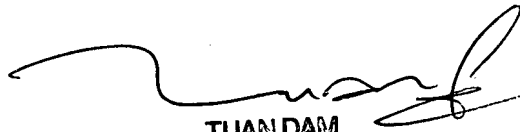
### Correspondence Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

**Section I: AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) A method for extracting identification information from a software package, said software package including a number of executable software modules organized in a manner determined by said identification information, said method comprising:

determining an organization of said executable software modules within said software package; and

extracting said identification information from said organization of said executable software modules within said software package, said organization comprising a sequence in which components of said executable software modules are linked, wherein said executable software modules are organized in a series of sets of executable software modules, said series of sets corresponding to a binary series, and each of said sets comprises first and second executable software modules, said binary series being determined in accordance with a sequence of said first and second executable software modules within said sets of said executable software modules.

2. (Previously Amended) The method as set forth in claim 1 wherein said executable software modules are coupled together in a manner representative of said identification information.

3. (Previously Amended) The method as set forth in claim 2 wherein said executable software modules are coupled together by compiling said software modules into an executable form of said software package.

4. (Previously Amended) The method as set forth in claim 2 wherein said executable software modules are coupled together by linking said executable software modules into an executable form of said software package.

5. (Previously Amended) The method as set forth in claim 1 and further including:

analyzing said software package to determine an organizational relationship among said executable software modules; and

determining a binary series from said organizational relationship of said executable software modules.

6. (Previously Amended) The method as set forth in claim 1 and further including transmitting said software package over a network to a requesting terminal, said requesting terminal being enabled to extract said identification information from said organization of said executable software modules of said software package.

7. (Original) The method as set forth in claim 6 wherein said software package is transmitted from a user terminal over an Internet network to a server.

8. (Original) The method as set forth in claim 6 wherein said user terminal is a wireless device.

9. (Original) The method as set forth in claim 6 wherein said user terminal is a personal computer system.

10. (Previously Amended) The method as set forth in claim 1

wherein said identification information includes an identification of a user of said software package.

11. (Previously Amended) The method as set forth in claim 1 wherein said identification information includes an identifying number related to said software package.

12. (Previously Amended) The method as set forth in claim 11 wherein said identification information further includes an identification of a user of said software package.

13. (Currently Cancelled).

14. (Currently Cancelled).

15. (Currently Cancelled).

16. (Currently Amended) A medium including machine readable coded indicia, said machine readable coded indicia being selectively operable in combination with a processing circuit for extracting embedded identification information from a software package by determining an organization of executable software modules within said software package, said organization comprising a sequence in which components of said executable software modules are linked, wherein relationships between said executable software modules are representative of said identification information embedded within said software package, wherein said executable software modules are organized in a series of sets of executable software modules, said series of sets corresponding to a binary series, and each of said sets comprises first and second executable software modules, said binary series being determined in accordance with a sequence of

said first and second executable software modules within said sets of said executable software modules.

17. (Original) The medium as set forth in claim 16 wherein said medium is an optically encoded disk.

18. (Original) The medium as set forth in claim 16 wherein said medium is a magnetically encoded magnetic diskette.

19. (Original) The medium as set forth in claim 16 wherein said software package resides on a storage device within a computer device.

20. (Original) The medium as set forth in claim 16 wherein software package resides on a memory device within a computer device.

21. (Previously Amended) The medium as set forth in claim 16 wherein said embedded identification information includes an identification of a user of said software package.

22. (Previously Amended) The medium as set forth in claim 16 wherein said embedded identification information includes an identifying number related to said software package.

23. (Previously Amended) The medium as set forth in claim 22 wherein said embedded identification information further includes an identification of a user of said software package.

24. (Currently Amended) A network arranged to enable extracting of organizational information of an organization of executable software modules within a software package at a user terminal and



transferring said organizational information to a server for use in deriving identification information embedded within said organizational information, said network comprising:

a user terminal at which said software package resides;

a server; and

an interconnection between said server and said user terminal, said user terminal being responsive to a request to upload said organizational information of said software package for determining said organizational information and transferring said organizational information to said server, said organizational information comprising a sequence in which components of said executable software modules are linked, wherein said executable software modules are organized in a series of sets of executable software modules, said series of sets corresponding to a binary series, and each of said sets comprises first and second executable software modules, said binary series being determined in accordance with a sequence of said first and second executable software modules within said sets of said executable software modules.